



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 20 2009

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Marian Gammon  
Environmental Compliance Manager  
ArcelorMittal Steel USA – Warren Coke Plant  
2234 Main Avenue, SW  
Warren, Ohio 44482

Dear Ms. Gammon:

This is to advise you that the U.S. Environmental Protection Agency has determined that the ArcelorMittal Steel USA – Warren Coke Plant facility at 2234 Main Avenue, SW, Warren, Ohio (the facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution requirements. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. On June 27, 1994, EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(B)(1) as part of the federally enforceable Ohio State Implementation Plan (Ohio SIP) (59 Fed. Reg. 27464). The Ohio SIP includes the following requirements:

1. There shall be no visible particulate emissions from any charging operations except for a period of time not to exceed one hundred twenty-five seconds during any five consecutive charges. This limit is incorporated into the ArcelorMittal's Title V Permit No. 02-78-00-0648. ArcelorMittal exceeded the charging operations visible particulate emissions limit on October 10 and 29, 2008.
2. At no time shall there be visible particulate emissions from more than ten per cent of the offtake piping. This limit is incorporated into the ArcelorMittal's Title V Permit No. 02-78-00-0648. ArcelorMittal exceeded the offtake piping visible particulate emissions limit on October 10, 2008.

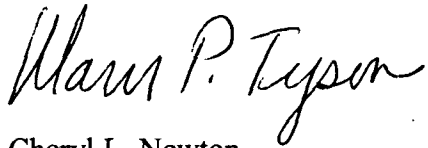
EPA finds that ArcelorMittal has violated the Ohio SIP and the Title V requirements of the CAA at the facility.

Section 113 of the CAA, 42 U.S.C. § 7413, gives EPA several enforcement options to resolve these violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Reza Bagherian. You may call him at (312) 886-0674 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage ArcelorMittal's compliance with the requirements of the Clean Air Act.

Sincerely,



Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Ed Perez, Environmental Engineer  
Northeast District Office, Division of Air Pollution Control  
Ohio Environmental Protection Agency  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087

a. Section 502(a) of the Act, 42 U.S.C. § 7661(a), requires that a major source operate with a permit issued pursuant to an approved 40 C.F.R. Part 70 (Title V) operating permit program.

- b. The State of Ohio operating permit program was granted approval on August 15, 1995, with an effective date of October 1, 1995 (60 Fed. Reg. 42045; 40 C.F.R. Pt. 70, App. A).
  - c. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under the Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by EPA under the CAA.
  - d. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(B)(2)(a) as part of the federally enforceable Ohio State Implementation Plan (Ohio SIP) on November 15, 2007 (72 Fed. Reg. 58523).
  - e. EPA approved OAC Chapter 3745-17-07(B)(2)(b) as part of the federally enforceable Ohio SIP on November 15, 2007 (72 Fed. Reg. 58523).
  - f. The Ohio Environmental Protection Agency issued Title V Permit Number 02-78-00-0648 for the facility on December 18, 2002.
  - g. OAC Chapter 3745-17-07(B)(2)(a) states there shall be no visible particulate emissions from any charging operations except for a period of time not to exceed one hundred twenty-five seconds during any five consecutive charges. This limit is incorporated into the facility's Title V permit at Part III.A.I.1.
  - h. OAC Chapter 3745-17-07(B)(2)(b) states that at no time shall there be visible particulate emissions from more than ten per cent of the offtake piping. This limit is incorporated into the facility's Title V permit at Part III.A.I.1.
2. Based on the Method 303 Report that ArcelorMittal certified and submitted to EPA on November 3, 2008, EPA has determined that Unit B901 at the facility exceeded the charging operations visible particulate emission limit identified in Paragraph 1, above, as follows:

Date	Emissions From Five Consecutive Charges
October 10, 2008	144.5 seconds
October 29, 2008	156.5 seconds

3. Based on the Method 303 Report that ArcelorMittal certified and submitted to EPA on November 3, 2008, EPA has determined that Unit B901 at the facility exceeded the offtake piping visible particulate emission limit identified in Paragraph 1, above, as follows:

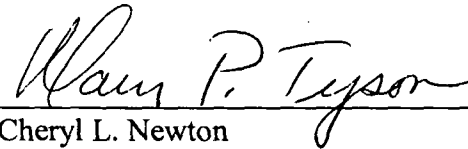
Date	Offtakes Piping Emissions
October 10, 2008	12.03%

4. ArcelorMittal's exceedances of the particulate emissions limits from Unit B901 at the facility are violations of the CAA, Part III.A.1.1. of its Title V Permit No. 02-78-00-0648, and the Ohio SIP.

#### **Environmental Impact of Violations**

5. Violation of the visible particulate emissions standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

2/20/09  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, Docket Number EPA-5-09-OH-06, by Certified Mail, Return Receipt Requested, to:

Marian Gammon  
Environmental Compliance Manager  
ArcelorMittal Steel USA – Warren Coke Plant  
2234 Main Avenue, SW  
Warren, Ohio 44482

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Dennis Bush, APC Manager  
Northeast District Office, Division of Air Pollution Control  
Ohio Environmental Protection Agency  
2110 E. Aurora Rd.  
Twinsburg, Ohio 44087

On the 24 day of Feb, 2009.

A handwritten signature in black ink that reads "Loretta Shaffer". The signature is written in a cursive style with a large, looping initial "L".

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0186 0514